

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KEITH GUTHRIE, individually, on a
representative basis, and on behalf of all
others similarly situated;

Plaintiff,

vs.

ITS LOGISTICS, LLC, a Delaware
Company, and DOES 1 through 20, inclusive;

Defendants.

Case No.: 1:21-cv-00729-NODJ-EPG

**STIPULATION TO ALLOW PLAINTIFF
TO FILE FIRST AMENDED
COMPLAINT; ORDER**

(ECF No. 57)

1 TO THE HONORABLE COURT AND TO ALL PARTIES AND COUNSEL OF RECORD:

2 This Stipulation is made and entered into by and between Plaintiff Keith Guthrie
3 (“Plaintiff”) and Defendant ITS LOGISTICS, LLC (“Defendant”) (collectively, the “Parties”),
4 by and through their undersigned counsel of record, with reference to the following:

5 WHEREAS, Plaintiff filed the instant putative class and representative PAGA action on
6 March 9, 2021, alleging violations of the California Labor Code.

7 WHEREAS, Plaintiff seeks to file a First Amended Complaint.

8 WHEREAS, Defendant has already filed its Answer to the Initial Complaint.

9 WHEREAS, the Parties met and conferred regarding Plaintiff’s filing of the First
10 Amended Complaint.

11 WHEREAS, Defendant consents to Plaintiff’s filing of the First Amended Complaint, a
12 true and correct copy of which is attached hereto as **Exhibit A**.

13 WHEREAS, by stipulating to the filing of this First Amended Complaint, Defendant is:
14 (1) not conceding the merits of any claim set forth therein, and (2) not waiving its right to
15 challenge the legal sufficiency of the First Amended Complaint.

16 THEREFORE, IT IS HEREBY STIPULATED AND AGREED between the Parties as
17 follows:

18 1. Plaintiff is granted leave to file his First Amended Complaint, a copy of which is
19 attached hereto as **Exhibit A**, which shall be filed within 15 days of the Court’s Order.

20 2. Defendant shall file its response(s) to the First Amended Complaint within thirty
21 (30) days of the date of filing.

IT IS SO STIPULATED.

Dated: December 15, 2023

LAUBY, MANKIN & LAUBY LLP

BY: /s/ Misty M. Lauby

Misty M. Lauby, Esq.
Attorneys for Plaintiff

Dated: December 15, 2023

SCOPELITIS, GARVIN, LIGHT,
HANSON & FEARY, P.C.

BY: /s/ Angela S. Cash

Christopher J. Eckhart, Esq.
Angela S. Cash, Esq.
Jared S. Kramer, Esq.

SCOPELITIS, GARVIN, LIGHT,
HANSON & FEARY, LLP

BY: Christopher C. McNatt, Jr., Esq.
Attorneys for Defendant
ITS Logistics, LLC

ORDER

Pursuant to the above stipulation (ECF No. 57), IT IS ORDERED as follows:

1. Plaintiff is granted leave to file his First Amended Complaint, which has already been filed of record. (ECF No. 56).

2. Defendant shall file its response(s) to the First Amended Complaint within thirty (30) days of the entry of this order.

IT IS SO ORDERED.

Dated: **January 6, 2024**

/s/ Eric P. Gray
UNITED STATES MAGISTRATE JUDGE